

REMARKS

This is a full and timely response to the non-final Office action mailed August 31, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-17, 19, and 21-25 are pending in this application, with Claims 1, 9, and 16 being the independent claims. Claims 9-17 and 22 have been amended, Claims 18, 20, and 21 have been canceled, and Claims 1-8 have been withdrawn. No new matter is believed to have been added.

II. Rejections Under 35 U.S.C. § 103

Claims 9-14, 16, 17, 18, 20, 21, 22, and 25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Holland (US Patent 5,596,155) in view of Danylewych (US Patent 6,446,514) and Van Netten (US Patent Application 2004/0045376). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all of the recited claim limitations.

Here, there is no suggestion or motivation to modify Holland or to combine Holland, Danylewych, and Van Netten. In fact, Danylewych teaches against combining its system with a sampling probe similar to that taught in Holland. Specifically, Danylewych states that "an umbilical hose connection from the sampling point to the analyzer...makes use more difficult, and also is subject to loss of both particle and vapour by adhesion to the walls of the hose." See col. 3, lines 12-15.

Additionally, none of Holland, Danylewych, or Van Netten teaches, alone or in combination, a system for sampling air that is disposed in a substantially enclosed space and that is received from a high volume air source having a vacuum source coupled to tubing and configured to draw the air from the high volume air source through the system, as recited in claim 1, or a method for sampling air from an enclosed system that receives the air from a high volume air source that includes drawing the air through said system and the tubing to thereby

collect an air sample in said canister and to thereby collect impurities therein, as recited in claim 16.

Holland discloses a sampling probe for sampling the exhaust gases of internal combustion engines and for analyzing smoke content in the gases. See col. 2, lines 3-9. The probe is used to sample road vehicle exhaust gases and to solve the problem of gaining access to the exhaust outlet for such gases. See col. 1, lines 10-14. Danylewych teaches a method and apparatus and relates to the collection from surfaces of samples of trace particles or liquids, such as detection of explosives, narcotics, and other contraband concealed by individuals in their belongings or in transported goods and cargo, or in vehicles and aircraft. See col. 1, lines 4-29. Van Netten teaches an air sampling apparatus having a filter therein and an air moving device, such as a fan, mounted therein for moving air through the filter. See abstract. There are also an air inlet and an air outlet communicating with the filter and a manually operable control that simultaneously opens the air inlet and outlet and operates the air moving device for moving air from the air inlet, through the filter and out through the air outlet. However, nowhere do any of the references teach a system for sampling air that is disposed in a substantially enclosed space and that is received from a high volume air source having a vacuum source coupled to tubing and configured to draw the air from the high volume air source through the system, as recited in claim 9, or a method for sampling air from an enclosed system that receives the air from a high volume air source that includes drawing the air through said system and the tubing to thereby collect an air sample in said canister and to thereby collect impurities in said canister, as recited in claim 16.

Accordingly, the Examiner has failed to show explicitly or implicitly, a suggestion or motivation to modify a reference or to combine the teachings of the multiple references, or all of the recited claim limitations, and a *prima facie* case of obviousness has not been established. Thus, Applicants respectfully request withdrawal of these rejections.

Claims 15, 23 and 24 were rejected under 34 U.S.C. §103 (a) as allegedly being unpatentable over Holland (US Patent 5,596,155) as modified by Danylewych and Van Netten and applied to claim 16 and further in view of Lewis et al. (5,184,501).

Claim 15 depends from claim 9 and claims 23 and 24 depend from claim 16. Therefore, these claims rely on the arguments presented above with regard to Holland, Danylewych and

Van Netten. Moreover, Lewis does not make up for the deficiencies of Holland, Danylewych and Van Netten. Lewis teaches an exhaust sampler for use in evaluating exhaust emissions of an exhaust source such as an internal combustion engine which utilizes a calibrated subsonic venturi for measuring the exhaust or exhaust/dilution air flow rate. See Abstract. However, Lewis does not teach a system for sampling air that is disposed in a substantially enclosed space and that is received from a high volume air source having a vacuum source coupled to tubing and configured to draw the air from the high volume air source through the system, as recited in claim 1, or a method for sampling air from an enclosed system that receives the air from a high volume air source that includes drawing the air through said system and the tubing to thereby collect an air sample in said canister and to thereby collect impurities therein, as recited in claim 16. Accordingly, the Applicants respectfully request withdrawal of these rejections.

Conclusion

Based on the above, independent Claims 9 and 16 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

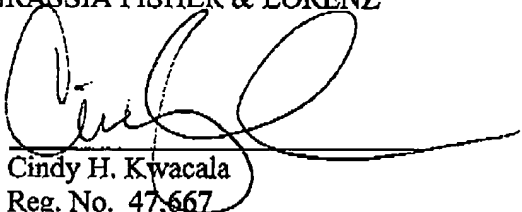
If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 11/28/05

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